

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES for the use and benefit of
AWY HOLDINGS, INC., an Arizona
corporation, d/b/a TEMPE MECHANICAL,

Case No.: 1:13-cv-00037 KG-SCY

Plaintiff,

vs.

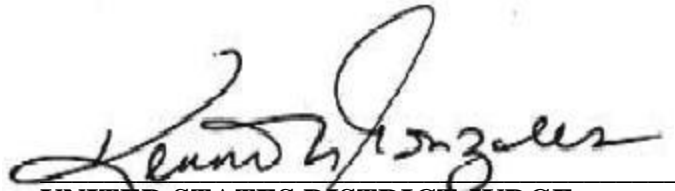
SMITH CONSTRUCTION
MANAGEMENT, LLC, an Arizona limited
liability company; and TRAVELERS
CASUALTY & SURETY COMPANY OF
AMERICA, a Delaware corporation,

Defendants.

ORDER FOR DISMISSAL WITH PREJUDICE

Pursuant to stipulation of the parties,

IT IS HEREBY ORDERED that this entire action, including all claims asserted by any party, be dismissed, with prejudice, with the parties bearing their own attorneys' fees and costs. Notwithstanding anything to the contrary in this Order, Merchants Bonding Company does not release any claims it has against Plaintiff for indemnity under the applicable indemnity agreements between Plaintiff and Merchants Bonding Company, including, but not limited to, its claim for attorneys' fees and costs.


UNITED STATES DISTRICT JUDGE

Prepared and Submitted by:

JENNINGS, HAUG & CUNNINGHAM, L.L.P.

/s/ Matthew H. Sloan

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Smith Construction Management, LLC

Approved by:

ROYER LAW OFFICE, P.C.

/s/ Kenneth G. Royer – approved via e-mail October 21, 2014

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Approved by:

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/s/ Robert J. Berens – approved via e-mail October 21, 2014

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